

UNITED STATES COURTS  
SOUTHERN DISTRICT OF TEXAS  
FILED

NOV 06 2008

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA

VS.

ERNEST SPANN

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§  
§  
§

CRIMINAL NO. H-08-

**H-08-721**

**INDICTMENT**

The United States Grand Jury charges:

**COUNTS 1-10**  
**(Wire Fraud - 18 U.S.C. §1343)**

**A. INTRODUCTION**

At all time material to this indictment:

1. American Federation of Government Employees (AFGE) Local 1454 is a labor organization as defined in the Labor-Management Reporting and Disclosure Act of 1959, as Amended, Sections 3(i) and (j) as incorporated by Title VII of the Civil Service Reform Act of 1978.

2. AFGE Local 1454 is a labor organization that represents members employed at Veteran's Administration (VA) Hospitals in Houston, San Antonio, McAllen and Corpus Christi, Texas as well as Little Rock, Arkansas. Local 1454's members are VA administration and support staff.

3. AFGE Local 1454 negotiated a collective bargaining agreement with the Department of Veterans' Affairs.

4. ERNEST SPANN was president of AFGE Local 1454 from 2003 to 2005.

5. During ERNEST SPANN'S tenure as president of AFGE Local 1454, the union banked with Bank of America. The statements were mailed from a Bank of America address in Tampa, Florida to the AFGE Local 1454 address in Houston, Texas. The account number was 0057 4607 3655.

6. ERNEST SPANN, as president, was issued a debit card for authorized union purchases. SPANN'S card account number was # 4635 7200 0215 5560.

7. When ERNEST SPANN'S tenure as president of AFGE Local 1454 ended, the new president closed out the Bank of America account.

**B. THE SCHEME AND ARTIFICE TO DEFRAUD**

8. Beginning on or about January 23, 2004, and continuing at least through September 19, 2005, in the Houston Division of the Southern District of Texas,

**ERNEST SPANN**

defendant herein, did knowingly execute and attempt to execute a scheme to defraud the AFGE Local 1454 and did obtain withdrawals of money and make purchases for personal expenses, by means of false and fraudulent pretenses, representations and promises by making unauthorized withdrawals and purchases with a debit card issued to defendant on AFGE's Bank of America bank account.

**C. THE MANNER AND MEANS**

It was a part of the scheme that:

9. Defendant SPANN would obtain and did cause to be obtained unauthorized

withdrawals and debits via wire communications by using and causing to be used automated tellers machines (ATMs) and credit card machines.

**D. EXECUTION OF THE SCHEME TO DEFRAUD**

10. On or about the dates set forth below, in the Houston Division of the Southern District of Texas, for the purpose of executing the scheme and artifice, did cause to be transmitted in interstate commerce, by means of a wire communication, certain signs, signals, sounds, to obtain unauthorized withdrawals and purchases by means of false and fraudulent pretenses, representations and promises, and intending to do so, the defendant knowingly caused to be transmitted by means of wire communications, as indicated below, the items described below:

<b>Count</b>	<b>Transaction Date</b>	<b>Amount</b>	<b>Type of Transaction</b>	<b>Vendor</b>
1	1/23/2004	\$101.50	Withdrawal	Ruby Food
2	1/29/2004	\$185.11	Purchase	AT&T Wireless
3	6/21/2004	\$400.00	Withdrawal	Bank of America ATM
4	7/09/2004	\$202.00	Withdrawal	Kroger
5	8/07/2004	\$302.25	Withdrawal	South Trust Bank
6	8/17/2004	\$367.98	Purchase	Verizon
7	8/18/2004	\$112.59	Purchase	Direct TV
8	03/07/2005	\$250.00	Withdrawal	Bank of America ATM
9	09/04/2005	\$101.50	Withdrawal	A & A Stop

10	09/17/2005	\$100.00	Withdrawal	Bank of America ATM
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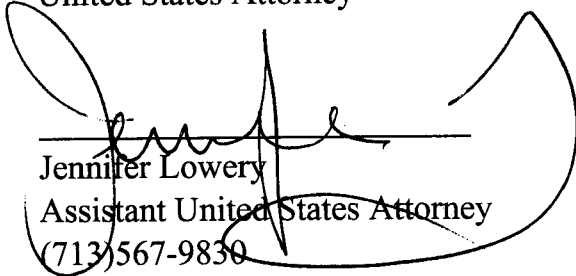
In violation of Title 18, United States Code, Sections 1343.

TRUE BILL

ORIGINAL SIGNATURE ON FILE

DONALD J. DeGABRIELLE, JR.  
United States Attorney

By:

  
Jennifer Lowery  
Assistant United States Attorney  
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